

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICK NATHAN BEIDEL,

Plaintiff,

v.

WASHINGTON STATE PENITENTIARY,

Defendant.

CASE NO. C05-473-RSL

REPORT AND RECOMMENDATION
TO DISMISS ACTION FOR FAILURE
AMEND

Plaintiff is proceeding *pro se* in this 42 U.S.C. § 1983 action. On June 10, 2005, this Court issued an Order Declining to Serve and Granting Leave to Amend, which set forth the deficiencies in Plaintiff's complaint. Dkt. # 11. Plaintiff was warned that a failure to file an amended complaint curing the deficiencies within thirty days of the date on which the order was signed, would result in a recommendation of dismissal. *Id.*

To date, Plaintiff has not filed an amended complaint. Due to Plaintiff's failure to amend the complaint to cure the deficiencies within the time limit prescribed by the Court, I recommend that Plaintiff's action be DISMISSED without prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6).

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REPORT AND RECOMMENDATION
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1 A Proposed Order accompanies this Report and Recommendation.

2 DATED this 5th of October, 2005.

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5 MONICA J. BENTON
6 United States Magistrate Judge
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